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April 4, 2016

**VIA EMAIL**

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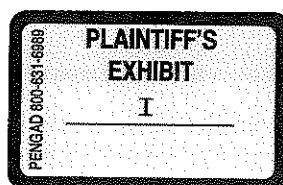
Re: *Jane Doe #1, et al v Mayfield City School Dist. Bd of Ed, et al*

Dear Counsel;

This letter will serve to confirm my telephone conversation this morning with Madeline Dennis. By email dated March 31, 2017, Ms. Dennis, on behalf of the Cleveland Clinic, provided me for the first time deposition dates for Mr. Kime, who is apparently going to be the Clinic's 30(b)(6) witness, which I have been requesting for months. When I asked her about the other witnesses I have requested, she stated that you have not, as of yet, talked to those requested witnesses about their availability for deposition. I find that quite troubling, when I first requested those depositions in my letter to all counsel dated December 28, 2016. Now, almost four months later, you have not even taken the preliminary step of speaking with the requested witnesses. I informed Ms. Dennis that I am available for Mr. Klime's deposition and the other Clinic employees I had requested anytime on April 25<sup>th</sup> through April 27<sup>th</sup>.

I have also asked Madeline to locate and produce the CCF harassment policies beginning in 1994, which I have also requested several times, both verbally and in discovery requests. I first requested those policies from Attorney Mathew Donnelly of the CCF's Law Department in advance of the failed private mediation in January 2016.

When I reviewed the almost 900 pages of records you sent to me in response to discovery requests, most of it appeared to be Dean Ochi's employment file, due to the numerous yearly employee reviews I found authored by his CCF supervisors, I discovered that the one year that is of particular interest to me, 2003, did not have a yearly review, at least based upon what you provided me. 2003 was the year in which the Principal, James Loewer, his Assistant Principals, and the school's Athletic Director, had a private meeting with Dean Ochi over observed inappropriate conduct of Dean Ochi on March 23, 2003. I found CCF employee reviews dating back to 1999 and reviews after 2003, but none for 2003. I would like that written CCF employee



review for 2003, with an explanation as to why it was not provided to me with the rest of the almost 900 pages of records.

What also is odd about the records you produced to me is there is nothing, not one record, which pertains to his new position as the part-time Athletic Trainer at Mayfield High School. I would think that with Mr. Ochi taking on that additional responsibility there would be some type of initiating document outlining his duties and responsibilities.

In addition you have not informed me as to whether you have created a privilege log for documents that may have been requested but were not turned over. I recall that you stated to me several months ago that you were creating a privilege log.

Very truly yours,

*/s/ Murray D. Bilfield*

Murray D. Bilfield  
BILFIELD & ASSOCIATES  
MDB/srs

cc: Sarah Kutscher, Esq. VIA EMAIL  
David Hirt, Esq. VIA EMAIL